

FILED  
JUN 13 2017

Criminal No. 3:15CR176-HEH

# MEMORANDUM OPINION

*Johnson*, 135 S. Ct. at 2555 (emphasis added) (quoting 18 U.S.C. § 924(e)(2)(B)). This part of the definition of violent felony “ha[s] come to be known as the Act’s residual clause.” *Id.* at 2556. The *Johnson* Court held “that imposing an increased sentence under the residual clause of the [ACCA] violates the Constitution’s guarantee of due process.” *Id.* at 2563.

omitted). Thus, Petitioner's claim lacks merit. Accordingly, the Government's Motion to Dismiss (ECF No. 35) will be granted. The § 2255 Motion (ECF No. 28) will be denied. The action will be dismissed, and the Court will deny a certificate of appealability.

An appropriate Order shall issue.



/s/

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HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: **June 13, 2017**  
Richmond, Virginia